Sr. No.	Date	Orders

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 22655/2005, W.P.(C) 22656/2005

UOI & ANR ..... Petitioner
Through: Mr. Sanjay Kumar Pathak, Advocate.

versus

RAM LAL ..... Respondent
Through: None.

CORAM:
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
HON'BLE MR. JUSTICE R.C. CHOPRA

ORDER

% **29.11.2005**

This writ petition is directed against the judgement and order dated 26th August 2005 passed by the Central Administrative Tribunal in OA No.2231/2004, whereby the disciplinary proceedings, which were instituted against the respondent by issuing a charge-sheet on 9th August 1995, were quashed. The respondent, while working as Chief Draftsman, had allegedly committed mis-conduct during the period of December 1992 to April 1993.

A charge-sheet was issued to the respondent for major penalty on 9th August 1995 on the ground that the respondent had committed serious mis-conduct by causing loss of Rs.12,900/- to the Railways by willfull manipulation of Government records and thereby contravening the Railway Service Conduct Rule 1966.

Signature Not Verified
Digitally Signed By:AMULYA
Certify that the digital file and physical file have been compared and the digital data is as per the physical.

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During the pendency of the aforesaid disciplinary proceedings, the respondent retired from the service on 31st December 1997. The enquiry, which was initiated against the respondent was, however, completed by the Enquiry Officer on 24th December 1998. The Enquiry Officer after going through the records absolved the respondent from all the charges framed against him. Thereafter no action was taken by the petitioner for more than two and a half years and only on 5th September 2001, the disciplinary authority forwarded the Enquiry Report to the respondent and communicated to him a Memorandum of Disagreement stating that the disciplinary authority did not completely agree with the findings of the Enquiry Officer. The respondent was asked to file a reply, if any, against the said Enquiry Report, in terms of which the respondent submitted his reply to the Memorandum of Disagreement on 14th September 2001.

For long three years thereafter no action was taken by the Disciplinary Authority, which compelled the respondent to file the aforesaid Original Application before the Tribunal, which was entertained and the impugned order was passed on the ground that there was inordinate delay in pursuing the disciplinary proceedings against a retired employee. The reasons for quashing have been fully set out in paragraph 4 of the impugned judgement. The said findings and conclusions are under challenge in this writ petition.

We have heard the learned counsel appearing for the petitioner also. The facts stated hereinabove disclose as to how a retired Government employee is being treated by the petitioner by continuing departmental proceedings. The incident relates to the

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year 1992-93 for which Memorandum of Charge-sheet was issued in 1995. The enquiry was not completed during the service of the respondent and finally the respondent retired from the service on 31st December 1997. Even thereafter the enquiry that was initiated could not be completed by the petitioner. This proves and establishes the slip shod and negligent manner in which the petitioner was pursuing the departmental proceedings against the respondent. It appears that the departmental authorities had gone into a slumber leaving the petitioner into the lurch.

The respondent retired from the service on 31st December 1997. It is stated by the counsel appearing for the petitioner that the respondent is getting provisional pension but the other retiral benefits like, gratuity, etc. have been withheld by the petitioner. The Enquiry Officer had absolved the respondent of all the charges framed against him. The Enquiry Report was submitted on 24th December 1998. The Disciplinary Authority took two and a half years to arrive at a Disagreement Note which was communicated to the respondent only on 5th September 2001. The said disagreement was also on the ground that the respondent was expected to be responsible to ensure the discrepancies found in the case regarding purchase of semi-dry paper for drawing office. The amount involved was only Rs.12,900/-. Even after the respondent submitted his reply to the Note of Disagreement as far back as 14th September 2001, till date no action has been taken by the Disciplinary Authority in respect of the enquiry proceedings. No final order has been passed. There is inordinate delay in proceeding with the matter and in pursuing the departmental proceedings. No plausible reason has been given by the petitioner for the said delay.

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In that view of the matter, we find no error in the judgement passed by the learned Tribunal.

This writ petition has no merit and the same is dismissed.

MUKUNDAKAM SHARMA, J

R.C. CHOPRA, J

NOVEMBER 29, 2005
bm